

**EIGHTY-FIFTH DAY - MAY 22, 2003**

**LEGISLATIVE JOURNAL**

**NINETY-EIGHTH LEGISLATURE  
FIRST SESSION**

**EIGHTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 22, 2003

**PRAYER**

The prayer was offered by Senator Vrtiska.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Landis who was excused; and Senator Mines who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-fourth day was approved.

**SELECT COMMITTEE REPORTS**

**Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 43, 73, 73A, 95, 95A, and 643.

(Signed) Ray Mossey, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of May 21, 2003, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Cutshall & Associates

ACS State and Local Solutions, Inc.

O'Hara, Lindsay & Associates, Inc.  
Four-T Corporation

Sholl, Arthur F.  
Engineers, American Society of Mechanical (Withdrawn 05/19/2003)

## REPORTS

The following reports were received by the Legislature:

### **Investment Finance Authority**

Clean Water State Revolving Fund Revenue Bonds Series 2002 C  
Drinking Water State Revolving Fund Revenue Bonds Series 2002 A

## SELECT FILE

**LEGISLATIVE BILL 209A.** Senator Bromm renewed his pending amendment, AM2024, found on page 1984.

The Bromm amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 626A.** Senator Preister offered the following amendment:

AM2063

- 1 1. On page 2, lines 1 and 2 and 3 and 4, strike "\$2,757
- 2 from the General Fund,"; in line 2 strike the last comma; and in
- 3 line 5 strike the first comma.

The Preister amendment was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

## BILLS ON FINAL READING

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 46 with 37 ayes, 2 nays, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 46.** With Emergency.

A BILL FOR AN ACT relating to criminal justice; to amend sections 29-2250, 29-2252, 29-2254, 29-2263, 29-2266, 29-2269, 81-1423, 83-1,102, 83-1,107, 83-1,110, 83-1,111, 83-1,123, 83-1,125, 83-1,135, 83-4,146, and 83-933, Reissue Revised Statutes of Nebraska, sections 28-416, 29-2259.01, 29-2262, 29-2709, 81-1425, and 83-1,118, Revised Statutes Supplement, 2002, and section 29-2261, Revised Statutes Supplement, 2002, as amended by section 9, Legislative Bill 1, Ninety-seventh Legislature, Third Special Session, 2002; to adopt the Interstate Compact for Adult Offender Supervision; to adopt the Community Corrections Act and the Correctional System Overcrowding Emergency Act; to create the Community Corrections Council; to change provisions relating to drug abuse treatment and counseling, presentence investigations, probation, parole, good time, and work camp costs; to provide for fees; to create funds; to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice; to harmonize provisions; to eliminate the Community Correctional Facilities and Programs Act and the Uniform Act for Out-of-State Parolee Supervision; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 29-2637, 29-2638, 47-601, 47-602, and 47-604 to 47-618, Reissue Revised Statutes of Nebraska, and section 47-603, Revised Statutes Supplement, 2002; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Combs	Janssen	Pedersen, Dw.	Stuhr
Baker	Connealy	Jensen	Pederson, D.	Stuthman
Beutler	Cudaback	Johnson	Preister	Synowiecki
Bourne	Cunningham	Jones	Price	Thompson
Brashear	Engel	Kremer	Quandahl	Tyson
Bromm	Erdman	Kruse	Raikes	Vrtiska
Brown	Foley	Louden	Redfield	Wehrbein
Burling	Friend	Maxwell	Schimek	
Byars	Hartnett	McDonald	Schrock	
Chambers	Hudkins	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Landis                      Mines

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 46A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 46, Ninety-eighth Legislature, First Session, 2003; to reduce appropriations; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Combs	Janssen	Pedersen, Dw.	Stuhr
Baker	Connealy	Jensen	Pederson, D.	Stuthman
Beutler	Cudaback	Johnson	Preister	Synowiecki
Bourne	Cunningham	Jones	Price	Thompson
Brashear	Engel	Kremer	Quandahl	Tyson
Bromm	Erdman	Kruse	Raikes	Vrtiska
Brown	Foley	Louden	Redfield	Wehrbein
Burling	Friend	Maxwell	Schimek	
Byars	Hartnett	McDonald	Schrock	
Chambers	Hudkins	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Landis                Mines

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 66.** With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-1310, Revised Statutes Supplement, 2002; to change provisions relating to reimbursements from the School Technology Fund; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Aguilar	Combs	Janssen	Mossey	Schrock
Baker	Cudaback	Jensen	Pedersen, Dw.	Smith
Beutler	Cunningham	Johnson	Pederson, D.	Stuhr
Brashear	Engel	Jones	Preister	Stuthman
Bromm	Erdman	Kremer	Price	Synowiecki
Brown	Foley	Kruse	Quandahl	Thompson
Burling	Friend	Louden	Raikes	Tyson
Byars	Hartnett	Maxwell	Redfield	Vrtiska
Chambers	Hudkins	McDonald	Schimek	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Bourne                      Connealy

Excused and not voting, 2:

Landis                      Mines

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **LEGISLATIVE BILL 66A. With Emergency.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 66, Ninety-eighth Legislature, First Session, 2003; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Aguilar	Combs	Janssen	Mossey	Schrock
Baker	Cudaback	Jensen	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Johnson	Pederson, D.	Stuthman
Brashear	Engel	Jones	Preister	Synowiecki
Bromm	Erdman	Kremer	Price	Thompson
Brown	Foley	Kruse	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Bourne                Connealy                Smith

Excused and not voting, 2:

Landis                Mines

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 146.**

A BILL FOR AN ACT relating to medical liability; to amend sections 44-2825, 44-2827, 44-2829, and 44-2831, Reissue Revised Statutes of Nebraska, and sections 44-2840 and 44-2842, Revised Statutes Supplement, 2002; to change provisions relating to recoverable amounts, filing of proof of insurance, notice, surcharges, and medical review panel proceedings under the Nebraska Hospital-Medical Liability Act; to provide immunity for volunteer medical personnel; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Combs	Janssen	Pederson, D.	Stuthman
Baker	Connealy	Jensen	Preister	Synowiecki
Beutler	Cudaback	Jones	Price	Thompson
Bourne	Cunningham	Kremer	Quandahl	Tyson
Brashear	Engel	Kruse	Raikes	Vrtiska
Bromm	Erdman	Louden	Redfield	Wehrbein
Brown	Foley	Maxwell	Schimek	
Burling	Friend	McDonald	Schrock	
Byars	Hartnett	Mossey	Smith	
Chambers	Hudkins	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Present and not voting, 1:

Johnson

Excused and not voting, 2:

Landis                Mines

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 156.**

A BILL FOR AN ACT relating to information; to amend sections 8-1401 and 8-1402, Revised Statutes Supplement, 2002; to change provisions relating to disclosure of confidential information; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Combs	Hudkins	McDonald	Schrock
Baker	Connealy	Janssen	Mossey	Smith
Bourne	Cudaback	Jensen	Pedersen, Dw.	Stuhr
Brashear	Cunningham	Johnson	Preister	Stuthman
Bromm	Engel	Jones	Price	Synowiecki
Brown	Erdman	Kremer	Quandahl	Thompson
Burling	Foley	Kruse	Raikes	Tyson
Byars	Friend	Louden	Redfield	Vrtiska
Chambers	Hartnett	Maxwell	Schimek	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Beutler            Pederson, D.

Excused and not voting, 2:

Landis            Mines

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 168.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 2002; to provide a reciprocal sales tax exemption for other states and political subdivisions; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Combs	Janssen	Pedersen, Dw.	Stuhr
Baker	Connealy	Jensen	Pederson, D.	Stuthman
Beutler	Cudaback	Johnson	Preister	Synowiecki
Bourne	Cunningham	Jones	Price	Thompson
Brashear	Engel	Kremer	Quandahl	Tyson
Bromm	Erdman	Kruse	Raikes	Vrtiska
Brown	Foley	Louden	Redfield	Wehrbein
Burling	Friend	Maxwell	Schimek	
Byars	Hartnett	McDonald	Schrock	
Chambers	Hudkins	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Landis                Mines

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 210.**

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-125.01, Reissue Revised Statutes of Nebraska, and section 48-106, Revised Statutes Supplement, 2002; to change applicability; to change penalties; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Combs	Janssen	Pedersen, Dw.	Stuhr
Baker	Connealy	Jensen	Pederson, D.	Stuthman
Beutler	Cudaback	Johnson	Preister	Synowiecki
Bourne	Cunningham	Jones	Price	Thompson
Brashear	Engel	Kremer	Quandahl	Tyson
Bromm	Erdman	Kruse	Raikes	Vrtiska
Brown	Foley	Louden	Redfield	Wehrbein
Burling	Friend	Maxwell	Schimek	
Byars	Hartnett	McDonald	Schrock	
Chambers	Hudkins	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Landis                Mines



A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 249.** With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-235, Reissue Revised Statutes of Nebraska, and sections 79-2,125 to 79-2,128 and 79-2,131 to 79-2,134, Revised Statutes Supplement, 2002; to change provisions relating to eligibility for extracurricular activities; to change and eliminate provisions of the Public Elementary and Secondary Student Fee Authorization Act; to harmonize provisions; to repeal the original sections; to outright repeal section 79-2,130, Revised Statutes Supplement, 2002; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Combs	Janssen	Pedersen, Dw.	Stuhr
Baker	Connealy	Jensen	Pederson, D.	Stuthman
Beutler	Cudaback	Johnson	Preister	Synowiecki
Bourne	Cunningham	Jones	Price	Thompson
Brashear	Engel	Kremer	Quandahl	Tyson
Bromm	Erdman	Kruse	Raikes	Vrtiska
Brown	Foley	Louden	Redfield	Wehrbein
Burling	Friend	Maxwell	Schimek	
Byars	Hartnett	McDonald	Schrock	
Chambers	Hudkins	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Landis                Mines

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 513.**

A BILL FOR AN ACT relating to postsecondary educational institutions; to provide duties relating to meningococcal disease.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Cudaback	Jensen	Pederson, D.	Stuhr
Beutler	Cunningham	Johnson	Preister	Stuthman
Bourne	Engel	Jones	Price	Synowiecki
Brashear	Erdman	Kremer	Quandahl	Thompson
Burling	Foley	Kruse	Raikes	Tyson
Byars	Friend	Maxwell	Redfield	Vrtiska
Chambers	Hartnett	McDonald	Schimek	Wehrbein
Combs	Hudkins	Mossey	Schrock	
Connealy	Janssen	Pedersen, Dw.	Smith	

Voting in the negative, 0.

Present and not voting, 4:

Baker	Bromm	Brown	Louden
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Excused and not voting, 2:

Landis	Mines
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 754.**

A BILL FOR AN ACT relating to agriculture; to amend section 23-114.01, Reissue Revised Statutes of Nebraska; to state intent; to provide for designation of livestock friendly counties; to provide powers and duties; to change provisions relating to zoning; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Aguilar	Connealy	Hudkins	Maxwell	Schrock
Baker	Cudaback	Janssen	Mossey	Smith
Brashear	Cunningham	Jensen	Pedersen, Dw.	Stuhr
Bromm	Engel	Johnson	Pederson, D.	Stuthman
Brown	Erdman	Jones	Price	Tyson
Burling	Foley	Kremer	Quandahl	Vrtiska
Byars	Friend	Kruse	Raikes	Wehrbein
Combs	Hartnett	Louden	Redfield	

Voting in the negative, 5:

Chambers	McDonald	Preister	Schimek	Thompson
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Present and not voting, 3:

Beutler            Bourne            Synowiecki

Excused and not voting, 2:

Landis            Mines

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 760 with 42 ayes, 2 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 760. With Emergency.**

A BILL FOR AN ACT relating to judicial administration; to amend sections 33-106, 33-138, 42-720, and 48-191, Reissue Revised Statutes of Nebraska, and sections 24-703, 25-21,223, 25-2221, 25-2921, 29-3920, 29-3921, 29-3930, 29-3931, 49-1203, 76-1442, and 83-4,125, Revised Statutes Supplement, 2002; to create a fund; to require continuing education and training; to provide for an advisory committee; to increase and provide for fees; to change judges' retirement provisions; to provide duties for the State Court Administrator; to change powers and duties of the Commission on Public Advocacy; to provide for nonjudicial days; to provide powers for the Chief Justice; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Aguilar	Connealy	Jensen	Pederson, D.	Stuthman
Baker	Cudaback	Johnson	Preister	Synowiecki
Beutler	Cunningham	Jones	Price	Thompson
Bourne	Engel	Kremer	Quandahl	Tyson
Brashear	Erdman	Kruse	Raikes	Vrtiska
Bromm	Foley	Louden	Redfield	Wehrbein
Brown	Friend	Maxwell	Schimek	
Burling	Hartnett	McDonald	Schrock	
Byars	Hudkins	Mossey	Smith	
Combs	Janssen	Pedersen, Dw.	Stuhr	

Voting in the negative, 1:

Chambers

Excused and not voting, 2:

Landis                Mines

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 760A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 760, Ninety-eighth Legislature, First Session, 2003; to reduce appropriations as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Aguilar	Combs	Hudkins	Mossey	Smith
Baker	Conneally	Janssen	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Jensen	Pederson, D.	Stuthman
Bourne	Cunningham	Johnson	Preister	Synowiecki
Brashear	Engel	Jones	Price	Thompson
Bromm	Erdman	Kremer	Quandahl	Tyson
Brown	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hartnett	McDonald	Schrock	

Voting in the negative, 0.

Present and not voting, 3:

Chambers            Kruse                Schimek

Excused and not voting, 2:

Landis                Mines

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**UNANIMOUS CONSENT - Member Excused**

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

**MOTION - Return LB 209 to Select File**

Senator Bromm moved to return LB 209 to Select File for the Bromm-Chambers specific pending amendment, AM2059, found on page 1995.

The Bromm motion to return prevailed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 209.** The Bromm-Chambers specific pending amendment, AM2059, found on page 1995, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 572.** Title read. Considered.

The Standing Committee amendment, AM1149, printed separately and referred to on page 1155, was considered.

Senator Jensen withdrew the Landis-Jensen pending amendment, AM1555, found on page 1577.

Senator Jensen renewed the Landis-Jensen pending amendment, AM2040, found on page 1992, to the Standing Committee amendment.

Senator Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Landis-Jensen amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 65.** Title read. Considered.

The Standing Committee amendment, AM0271, found on page 466, was considered.

Senator Connealy asked unanimous consent to be excused. No objections. So ordered.

Senator Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Schrock withdrew his pending amendment, AM0378, found on page 622.

Senator Preister withdrew his pending amendment, AM0695, found on page 1235.

Senator Preister renewed his pending amendment, AM1768, found on page 1672, to the Standing Committee amendment.

The Preister amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 172.** Title read. Considered.

Senator Erdman asked unanimous consent to bracket LB 172 until January 1, 2004. No objections. So ordered.

### SELECT FILE

**LEGISLATIVE BILL 17.** E & R amendment, AM7148, printed separately and referred to on page 1980, was adopted.

Senator Synowiecki offered the following amendment:  
AM2056

(Amendments to E & R amendments, AM7148)

- 1 1. On page 13, line 19, after "Outpatient" insert "or
- 2 inpatient".

The Synowiecki amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 536.** E & R amendment, AM7151, printed separately and referred to on page 1981, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 467.** E & R amendment, AM7149, printed separately and referred to on page 1981, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 430.** E & R amendment, AM7147, found on page 1980, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 720.** E & R amendment, AM7150, found on page 1981, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 721.** E & R amendment, AM7146, printed separately and referred to on page 1981, was adopted.

Advanced to E & R for engrossment.

Senator Jensen asked unanimous consent to be excused until he returns. No objections. So ordered.

### **GENERAL FILE**

**LEGISLATIVE BILL 270.** Title read. Considered.

The Standing Committee amendment, AM0317, found on page 479, was considered.

### **SPEAKER BROMM PRESIDING**

Senators Burling and Byars asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 46, 46A, 66, 66A, 146, 156, 168, 210, 249, 513, 754, 760, and 760A.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LR 126 and 131 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 126 and 131.

**GENERAL FILE**

**LEGISLATIVE BILL 270.** Senator Chambers offered the following motion:

Bracket until May 27, 2003.

Senators Mines, Preister, Quandahl, and Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers withdrew his motion to bracket.

The Standing Committee amendment, AM0317, found on page 479 and considered in this day's Journal, was renewed.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Pending.

**SELECT COMMITTEE REPORTS****Enrollment and Review****Correctly Engrossed**

The following bill was correctly engrossed: LB 608.

ER9081

**Enrollment and Review Change to LB 608**

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Bromm et al. amendment, AM2005:

a. On page 5, line 5, "section" has been struck and "act" inserted; and in line 9 an underscored comma has been inserted after "census";

b. On page 8, line 19, "payment" has been struck and "repayment" inserted;

c. On page 11, line 1, an underscored comma has been inserted after "allowed";



d. On page 15, line 5, "or average investment" has been struck and shown as stricken; and

e. On page 17, line 15, "become" has been struck and "becomes" inserted; in line 16 "and" has been inserted after the last comma; and in line 21 a comma has been inserted after "Nebraska".

2. On page 1, the matter beginning with "the" in line 1 through line 4 and all amendments thereto have been struck and "revenue and taxation; to amend sections 77-27,188.01, 77-27,189, and 77-27,191, Reissue Revised Statutes of Nebraska, and sections 77-27,187 to 77-27,188, 77-27,188.02, 77-27,190, 77-27,194, and 77-27,195, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to the Employment Expansion and Investment Incentive Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 13-2113, Reissue Revised Statutes of Nebraska, and section 77-27,193, Revised Statutes Supplement, 2002." inserted.

(Signed) Ray Mossey, Chairperson

### **MOTIONS - Print in Journal**

Senator Brashear filed the following motion to LB 270:

Suspend Rule 6, Section 3 and Rule 7, Sections 3 and 7, and vote on the advancement of LB 270 without further amendment or debate.

Senator Brashear filed the following motion to LB 270:

Suspend Rule 6, Section 5 and Rule 7, Sections 3 and 7, and vote on the advancement of LB 270 without further amendment or debate.

Senator Brashear filed the following motion to LB 270:

Suspend Rule 6, Sections 6, 7 and 8, and Rule 7, Sections 3 and 7, and vote on the advancement of LB 270 without further amendment or debate.

### **AMENDMENT - Print in Journal**

Senator Janssen filed the following amendment to LB 461:

AM1413

- 1 1. On page 2, lines 17 through 22, strike new matter and
- 2 insert "The three candidates receiving the highest number of votes
- 3 at the general election shall be the officers of the township
- 4 board, and the three officers shall determine between themselves
- 5 which officer shall serve as township clerk, township treasurer,
- 6 and chairperson of the township board.".

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 22, 2003, at 12:00 p.m. were the following: LBs 46e, 46Ae, 66e, 66Ae, 146, 156, 168e, 210, 249e, 513, 754, 760e, and 760Ae.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

### RESOLUTION

**LEGISLATIVE RESOLUTION 188.** Introduced by Health and Human Services Committee: Jensen, 20, Chairperson; Byars, 30; Cunningham, 40; Erdman, 47; Johnson, 37; Maxwell, 9; Stuthman, 22.

**PURPOSE:** The purpose of this study is to examine and address health and human services issues within the jurisdiction of the Health and Human Services Committee of the Legislature, including, but not limited to: Health and human services research, planning, and evaluation; the statewide behavioral health system; the Nebraska Mental Health Commitment Act; health insurance availability and affordability; prescription drug access and policy; the medical assistance program established in section 68-1018; the Nebraska Health Care Funding Act; public health law and policy; the Nebraska health and Human Services System; the Nebraska Clean Indoor Air Act; the Uniform Licensing Law; the regional administrative structure for the delivery of state developmental disability, mental health, and aging programs and services; marriage and family preservation; children in out-of-home care; the Welfare Reform Act; and state public assistance programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on final passage of LB 760.

(Signed) Mick Mines

### MESSAGES FROM THE GOVERNOR

May 19, 2003

President, Speaker Bromm  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individuals have been appointed to the Advisory Commission on Compulsive Gambling.

APPOINTEES:

Lynda McNulty, 3117 S 145<sup>th</sup> St, Omaha, NE 68137

Wayne Choat, 1311 Beaver St, St. Edward, NE 68660

\*Francis McGill, 9313 Decatur Plaza Circle, Omaha, NE 68114

\*Susan Parascand, 630 Wedgewood Dr, Lincoln, NE 68510

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

say/

\*Reappointment

May 19, 2003

President, Speaker Bromm  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual has been appointed to the Commission for the Blind and Visually Impaired.

APPOINTEE:

Nancy Oltman, 518 N Bellevue, Hastings, NE 68901

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

say/

May 21, 2003

President, Speaker Bromm  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Bromm and Senators:

Contingent upon your approval, the following individual has been reappointed to the Commission of Industrial Relations.

**APPOINTEE:**

Loren Lindahl, 942 Hackberry, Wahoo, NE 68066

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

say/

**VISITORS**

Visitors to the Chamber were students and sponsors from Washington County; 18 fourth-grade students and teachers from Prairie Lane Elementary School, Omaha; 36 fourth-grade students and teachers from Minne Lusa Elementary School, Omaha; Senator Mines' wife and children, Katie, Laini, and Billy, from Blair; and Dan and Cindy Flammang from Scottsbluff.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

**ADJOURNMENT**

At 12:25 p.m., on a motion by Senator Brashear, the Legislature adjourned until 9:00 a.m., Tuesday, May 27, 2003.

Patrick J. O'Donnell  
Clerk of the Legislature